Death Penalty Awarded by Panchayats

*116. MISS SAROJ KHAPARDE: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government are aware that some Panchayats in the country particularly in U.P. are imposing death penalty in a very cruel manner thereby taking law into their hands;

(b) if so, the details thereof for the last five years, year-wise; and

(c) the action Government propose to take to prevent such barbarous adminsitration of justice by Panchayats in the country, particularly in U.P.?

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI): (a) to (c) No case has come to notice where an elected Panchayat, which has come into existence by virtue of the Constitution (Seventy-third Amendment) Act, 1992, has imposed death penalty either in Uttar Pradesh or elsewhere in the country.

2. The Pancyayats referred to in the question appear to be the caste/community Panchayats which have no legal sanctity. According to information received from the Govrnment of Uttar Pradesh, one such Pancyayat in village Khandrawali, district Muzaffarnagar, had, in 1993, imposed death penalty on a boy and a girl who were in love with each other. A case under section 302 IPC was registered in connection with this matter. The chargesheet was filed in the Court on 6.9.1993. On 10.11.1995, the Court sentenced all the nine accused persons in the case to death. Their appeal against the said order is pending in the High Court.

3. 'Police' and 'Public Order' are State subjects as per the Seventh Schedule to the Constitution of India and, as such, the registeration, investigation, detection and prevention of crime is essentially the responsibility of the State Governments. However, the Central Government has been sending advisories to the State Government, from time to time, to improve the functioning of their criminal justice system. The Central Government has also been extending financial assistance to the State Governments for strengthening their policing infrastructure.

Gubernatorial appointments by Caretaker Government

*117. SHRI SHIV CHARAN SINGH:

SHRI GOVINDRAM MIRI:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether a caretaker Government is competent and to make Gubernatorial appointments and to announce award of Bharat Ratna; *i*

(b) if so, the details of provisions that authorise it to do so;

(c) what are the details of such actions taken by the last caretaker Government during the elections for Lok Sabha; and

(d) if not, validity of such appointments and conferments made by the last caretaker Government?

THE MINISTER OF HOME AFFAIRS (SHRI. K. ADVANI): (a) to (d) Article 155 of the Constitution of India provides that the Governor of a State shall be appointed by the President by warrant under his hand and seal. According to article 74 of the Constitution of India, there shall be a council of Ministers with the Prime Minister at the head to aid and advise the President who shall, in the exercise of his functions, act in accordance with such advice. • The constitution of India does not differentiate between a regular Prime Minister/Government and a Caretaker Prime Minister/Government. In fact, the expression 'Caretaker Prime * Minister' or 'Caretaker Government' does not occur in the Constitution of India.

2. According to the regulations made by the President, the decoration Bharat Ratna is awarded for exceptional service towards the advancement of Art, Literature and Science, and in recognition of public service of the highest order. The ward is conferred by the President by a Sanad under this hand and seal. The recommendation for the award of Bharat Ratna is made by the Prime Minister.

3. After the dissolution of the Lok Sabha on 4.12.1997, the Central Government, which had earlier tendered its resignation, had made two gubernatorial appointments, besides announcing two Bharat Ratna awards.

4. However, whether it is proper for a Government, which has tendered its resignation, to make gubernatorial appointments or confer awards is a different question. Legality and propriety are not synonymous.

Firing by Pakistan during Defence Minister's visit

*118. SHRI NARENDRA MOHAN: Will the Minister of DEFENCE be pleased to State:

(a) whether it is a fact that Pakistani troops opened heavy fire at Siachen Glacier on 29th of April, 1998, when he landed there on that day;

(b) if so, whether it is not a failure of our military intelligence especially when similar incidents of firing had happened when the former Defence Minister had visited that area in September, 1997;

(c) whether this firing by Pakistani Army was retaliated and what weere the casualties, if any, on both sides of the border; and

(d) whether this type of threat perception was taken into consideration when his tour to that are was planned?

THE MINISTER OF DEFENCE (SHRI GEORGE FERNANDES): (a) to (d) Pakistani troops resorted to unprovoked firing on some of the posts of Siachen sector on 29 April 1998.

Firing by Pakistani troops in Siachen sector on 29 April 1998 and in September 1997 during the visits of Raksha Mantri cannot be attributed as intelligence failure since unprovoked firing by Pakistan in Siachen sector is a regular phenomenon and has been continuing for many years.

Appropriate response is given by our troops to such unprovoked firing, taking due care that the incidents remain localised and our casualty is minimal. One of our soldiers was killed m this sector due to Pakistani firing on 29 April, 1998. Casualties on Pakistani side are not known; it can, at best, be estimates based on guess work.

All aspects are taken into consideration when visits of WIPs/VIPs are planned to these areas.

Warships with Indian Navy

*119. SHRIMATI JAYAPRADA NAHATA: Will the Minister of DEFENCE be pleased to state:

(a) what was the number of warships in the Indian Navy in 1995; and

(b) the number of warships it will be left with by the year 2000?

THE MINISTER OF DEFENCE (SHRI GEORGE FERNANDES): (a) In 1995, Indian Navy had 136 warships of all categories.

(b) Divulging the future force levels of Indian Navy will not be in the interest of National security.

वयोवद्ध नागरिकों को पेंशन दिया जाना

*120. **श्री रामजीलाल :** क्या ग्रामीण क्षेत्र और रोजगार मंत्री 28 नवंबर, 1996 को राज्य सभा में अतारांकित प्रश्न 714 के दिए गए उत्तर को देखेंगे और यह बताने की कृपा करेंगे कि सरकार द्वारा यह सुनिश्चित करने के लिए क्या कदम उठाए जा रहे हैं कि भविष्य में वयोवद्ध नागरिकों को पेंशन प्राप्त करने में कोई कठिनाई न हो ?

ग्रामीण क्षेत्र और रोजगार मंत्रालय के राज्य मंत्री (श्री बाबा गौड़ा पाटिल) : गरीब वर्ग के बूढ़े तथा कमजोर लोगों द्वारा झेली जाने वाली कठिनाइयों पर विचार करते हुए भारत सरकार ने राष्ट्रीय सामाजिक सहायता कार्यक्रम की शुरुआत की ।

राष्ट्रीय सामाजिक सहायता कार्यक्रम 15 अगस्त, 1995 से लागू हुआ राष्ट्रीय वृद्धावस्था पेंशन योजना के तहत वृद्धावस्था पेंशन 65 वर्ष या इससे अधिक उम्र के वृद्ध दीन-हीन लोगों को दी जाती है न कि सभी वृद्ध नागरिकों को ।

केन्द्रीय सहायता का दावा करने के उद्देश्य से वृद्धावस्था पेंशन की राशि 75 रुपये प्रतिमाह है । राज्य/संघ राज्य क्षेत्र की सरकारें अतिरिक्त सहायता देने के लिए स्वतंत्र है जो वास्तव में दी जा रही है । केन्द्रीय सहायता का दावा करने के उद्देश्य से वृद्धावस्था पेंशन भोगियों की कुल संख्या की राज्यवार अधिकतम संख्या का निर्धारण भारत सरकार द्वारा किया जाता है । यह सीमा निर्धारण बहुत से मानदण्डों जैसे जनसंख्या, गरीबी अनुपात, कुल जनसंख्या की तुलना में विशिष्ट आयु वर्ग के लोगों के अनुपात आदि के आधार पर किया जाता है । राज्यों/संघ राज्य क्षेत्रों के मुख्य सचिवों, नोडल सचिवों तथा अधिकारियों